



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/513,236      | 02/24/2000  | Hadi Partovi         | 22379-707           | 6204             |

7590                    02/19/2004

WAGNER, MURABITO & HAO LLP  
TWO NORTH MARKET STREET  
THIRD FLOOR  
SAN JOSE, CA 95113

|          |
|----------|
| EXAMINER |
|----------|

NGUYEN, QUANG N

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2141

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                |  |
|------------------------------|-----------------|----------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |  |
|                              | 09/513,236      | PARTOVI ET AL. |  |
| Examiner                     | Art Unit        |                |  |
| Quang N. Nguyen              | 2141            |                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 February 2004.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 18-37 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 18-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 24 February 2000 is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) All b) Some \* c) None of:  
        1. Certified copies of the priority documents have been received.  
        2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
        3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

|  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Detail Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/03/2004 has been entered.

Claims 1-17 have been canceled without prejudice. Claims 18-37 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 18-37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 6,055,513), herein after referred as Katz, in view of Ladd et al. (US 6,269,336), herein after referred as Ladd.**

4. As to claim 18, Katz teaches a method for presenting personalized content over a voice portal, comprising:

receiving a telephone identifying information from a user (Katz, C9: L29-40);

generating a user profile as a function of said telephone identifying information and one or more elements selected from a group consisting of a time, a date, a location, and implicit selection, an explicit selection, a demographic, and a psychographic (Katz, C9: L43-67, C10: L1-24, C17: L47-67 and C18: L1-15);

selecting a qualified content, as a function of said user profile and a content type, from a plurality of information contained in one or more sources consisting of the world wide web, a database, a repository and a third party (Katz, C10: L25-67, C11: L1-45, C23: L40-67, C24: L1-60 and C26: L21-37);

presenting, to said user, said qualified content as an audio output (Katz, C25: L40-55).

However, Katz does not explicitly teach selecting a qualified voice character as a function of said user profile and a voice characteristic of said user and presenting said qualified content formatted in said qualified voice character to said user.

In the related art, Ladd teaches a method and system for automatically selecting and providing various dialog voice personalities (i.e., a female voice, a male voice, etc.), various speech recognition models (i.e., an English model, a Spanish model, etc.) and implementing various grammars/vocabulary to detect and respond to the audio inputs from a user based on the user profile, the user's communication device, and/or the user's speech patterns (i.e., voice characteristic of said user) (Ladd, C6: L26-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Katz and Ladd to select a qualified voice character as a function of said user profile and a voice characteristic of said user and to present said qualified content formatted in said qualified voice character to said user because it would provide an intelligent, automated system for electronic commerce by optimizing or enhancing customer or user satisfaction (by interacting with the user using a qualified voice character based on the user profile and/or the user voice characteristic) to increase the probability and profitability of commercial transactions.

5. As to claims 19-20, Katz-Ladd teaches the method of claim 18, wherein said user is distinguished as a function of a voice password or a function of a touch tone login (Ladd, C6: L50-64).

6. As to claims 21-22, Katz-Ladd teaches the method of claim 18, wherein said qualified content comprises a qualified advertisement or a qualified suggestion (Katz, C23: L40-67 and C24: L1-60).

7. As to claim 23, Katz-Ladd teaches the method of claim 18, wherein said generating said user profile further comprises utilizing additional saved user profile data from a shared database (e.g., database A, B, ... N of Fig. 7) (Katz, C26: L21-37).

8. As to claim 24, Katz-Ladd teaches the method of claim 18, further comprising:
  - receiving a response, to said presented qualified content, from said user (Katz, C27: L24-31);
    - updating said user profile as a function of said response from said user (Katz, C11: L32-45 and C26: L4-37);
      - selecting an additional qualified content, as a function of said updated user profile, from a plurality of information contained in said one or more sources consisting of the world wide web, a database and a third party (Katz, C24: L12-30, C25: L56-67 and C26: L1-48); and
    - presenting to said user said additional qualified content formatted in said qualified voice character as an audio output (Katz, C25: L40-55 and Ladd, C6: L26-49).
  9. As to claim 25, Katz-Ladd teaches the method of claim 24, further comprising storing said updated user profile in said shared database (Katz, C26: L21-37).
  10. As to claim 26, Katz-Ladd teaches the method of claim 18, further comprising:
    - receiving a response to said presented qualified content from said user (Katz, C27: L24-31); and
      - transferring said user to a third part transaction system (such as billing part, confirmation part, shipping/tracking part or live operator) as a function of said response (Katz, C25: L56-67 and C26: L1-48).

11. Claim 27 is a corresponding voice portal claim of claims 18 and 25; therefore, it is rejected under the same rationale.

12. As to claims 28-29, Katz-Ladd teaches the voice portal of claim 27, further comprising a web server communicatively coupled to said database for receiving data from a user; updating said saved user profile corresponding to said user and for retrieving said qualified content from the world wide web (Katz, Website 180 of Fig. 5, C20: L6-22 and L39-44).

13. As to claims 30-33, Katz-Ladd teaches the voice portal of claim 27, further comprising a text to speech server for converting text-format qualified content to audio-format qualified content; a streaming engine for enabling generation of streaming audio-format qualified content; an audio repository for providing said qualified content and a recognition server for converting voice-format inputs from said user to text-format inputs from said user (Katz, ARU/VRU 94 of Fig. 3, C16: L50-54 and Ladd, VRU server 234 of Fig. 3, C8: L3-12 and L55-67, C9: L1-54).

14. Claim 34 is a combination claim of claims 18 and 26; therefore, it is rejected under the same rationale.

15. Claims 35-37 are corresponding claims of claims 21-23; therefore, they are rejected under the same rationale.

***Response to Arguments***

16. In the remarks, applicant argued in substance that

(A) Prior Arts do not teach or suggest, "selecting a qualified voice character as a function of said user profile and a voice characteristic of said user".

As to point (A), **Ladd** teaches a method and system for automatically selecting and providing various dialog voice personalities (i.e., a female voice, a male voice, etc.), various speech recognition models (i.e., an English model, a Spanish model, an English accent model, etc.) and implementing various grammars (i.e., vocabulary, dialect, etc.) to detect and respond to the audio inputs from a user based on the user profile (i.e., as a function of user profile), the user's communication device, and/or the user's speech patterns (**Ladd**, C6: L26-36). Hence, **Ladd** does teach "selecting a qualified voice character as a function of said user profile and a voice characteristic of said user".

17. Applicant's arguments as well as request for reconsideration filed on 02/03/2004 have been fully considered but they are not deemed to be persuasive.

18. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

A handwritten signature in black ink, appearing to be "LE HIEN LUU", followed by a horizontal line.

LE HIEN LUU  
PRIMARY EXAMINER